

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30687
Docket No. MW-30096
95-3-91-3-526

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr., when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(Union Pacific Railroad Company (former
(Missouri Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the
Brotherhood that:

- (1) The Agreement was violated when the Carrier assigned outside forces (National Salvage) to perform the '* * * cutting, and loading the ribbon rail onto a rail train, knocking off rail anchors, bagging rail anchors, straight railing switches, and general clean up. * * *' on the Concordia Subdivision on June 1 through June 30, 1990 (Carrier's File 900608 MPR).
- (2) The below listed Claimants* shall each be allowed pay at their respective rates of pay in the amount of eight (8) hours per day at the straight time rate, and four (4) hours per day at the punitive rate for June 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29 and twelve (12) hours per day at the punitive rate for June 2, 3, 9, 10, 16, 17, 23, 24 and 30, 1990.

* S. R. Schaefer	J. B. Van Nortwick	D. B. Wilson
K. E. Handke	G. H. Hill	C. L. Hollis
K. S. Williams	J. W. Moeck	R. D. Smith
M. F. Petesch	F. L. Mueseler	J. S. Horton
M. H. Hennigh	M. W. Wilburn	M. T. White
R. L. Shorb	W. E. Juilfs	E. D. Bonebrake"
H. D. Gibbs	S. M. Thomas	

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

This dispute is virtually identical to that reviewed in Third Division Award 30683. It involves the same notice of proposed contracting for the same project. The difference is confined to the dates for which Agreement violation is claimed.

In this instance, the Board reaches the same conclusions.

AWARD

Claim sustained in accordance with the Findings.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 31st day of January 1995.